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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/099,048	06/17/1998	LAURETTE NACAMULLI	KM39091	4803
22852	7590	06/08/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CEPERLEY, MARY	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/099,048

Applicant(s)

NACAMULLI ET AL.

Examiner

Mary (Molly) E. Ceperley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 27, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51, 53-75 and 94-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-51, 53-75 and 94-96 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Applicants are advised of the following problems which must be addressed.

1) Exhibits A and B (originally submitted May 6, 2004 and resubmitted April 27, 2005) do not relate to the assignment of this application as stated in the April 27, 2004 Remarks, page 10. These exhibits relate to the missing inventor issue which has already been resolved (see the May 20, 2004 Decision According Status under 37 CFR 1.47(a)).

However, the requirement for a statement under 37 CFR 3.73(b) (*Ex parte Quayle* action of October 28, 2003, paragraph **1)b)**) has been fulfilled under 37 CFR 3.73(b)(1)(ii), i.e. applicants have submitted a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (see the April 27, 2004 Remarks, page 10).

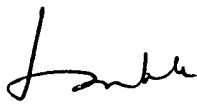
Although applicants have submitted an appropriate statement under 37 CFR 3.73(b)(1)(ii), this statement does not meet the requirement of 37 CFR 3.73(b)(2) for the reason that this submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee. Applicants are required to establish such authorization.

2) In response to the requirement for the underlining of all added claims in the *Ex parte Quayle* action of October 28, 2003, paragraph **1)a)**, applicants state in the AMENDMENTS TO THE CLAIMS of April 27, 2004 that "this listing of the claims will replace all prior versions, and listings, of claims in the application". Since additional claims are pending which are not underlined, applicants should clarify on the record exactly which claims are pending.

3) Although applicants have apparently supplied the cut-up soft copy of the specification in appropriate format as required by MPEP 1411 (see paragraph 1.a. of the May 05, 2000 Office action and the June 02, 2000 Remarks, page 2), this copy is presently missing from the electronic file of this

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application. Applicants are requested to provide another copy of the specification in this format in order to expedite the allowance of this application.


LONG V. LE
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06/02/05